

HAWAII ADMINISTRATIVE RULES

TITLE 12 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 1

OFFICE OF THE DIRECTOR

CHAPTER 1

ADMINISTRATIVE PROCEDURES; PUBLIC AND PERSONAL RECORDS

Subchapter 1 Administrative Procedures

§12-1-1 Repealed
§12-1-2 Repealed
§12-1-3 Repealed
§12-1-4 Repealed
§12-1-5 Petition for declaratory ruling
§12-1-6 Repealed.
§§12-1-7 to 12-1-49 (Reserved)

Subchapter 2 Public and Personal Records

§12-1-50 Repealed
§12-1-51 Repealed
§12-1-52 Repealed
§12-1-53 Repealed
§12-1-54 Repealed
§12-1-55 Repealed

SUBCHAPTER 1

ADMINISTRATIVE PROCEDURES

§12-1-5 Petition for declaratory ruling. (a) On petition of an interested person or agency, the director may issue a declaratory order as to the applicability of any statutory provision, administrative rule, or order of the director. Petitions shall:

- (1) State clearly and concisely the controversy or uncertainty;
- (2) Shall cite the statutory authority involved; and
- (3) Shall include a complete statement of the facts and the reasons prompting the petition, together with full disclosure of petitioner's interest.

(b) Upon receipt of the petition, the director may require the petitioner to file additional data or memoranda in support of the position taken by the petitioner.

(c) The director, without notice or hearing, may dismiss a petition for declaratory ruling for want of a substantial question or for material failure to comply with the requirements of this section, and the petitioner will be so notified in writing.

(d) Although no hearing need be granted to the petitioner or to any interested person in the usual course of disposition of a petition for a declaratory ruling, the director may order a hearing upon written request of the petitioner stating in detail why a hearing is necessary for a fair consideration of the petition.

(e) Notwithstanding any other provisions of this section, the director may issue a declaratory order to terminate a controversy or to remove uncertainty. [Eff. 5/11/81] (Auth: HRS §§26-38, 91-8) (Imp: HRS §91-8)